

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

PRESENT: HON. JENNIFER G. SCHECTER

PART

IAS MOTION 54EFM

Justice

-----X

JAMES BRANNAN,

Petitioner,

- v -

MICHAEL MCKENZIE, AMERICAN IMAGE ART

Respondents.

-----X

INDEX NO. 653809/2019

MOTION DATE N/A

MOTION SEQ. NO. 001

DECISION + ORDER ON  
MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49

were read on this motion to/for

PREL INJUNCTION/TEMP REST ORDR

Upon the foregoing documents, it is ORDERED and ADJUDGED that the petition is denied for the reasons stated on the record and petitioner is to e-file the transcript within 45 days. Most significantly, there is insufficient evidence of both irreparable harm and that the award sought in arbitration would be rendered ineffectual without provisional relief (CPLR 7502[c]). Respondents have every incentive to maximize the value of the artwork and petitioner did not adduce sufficient proof that this court should alter the status quo by preventing respondents from continuing to fabricate art pending the arbitration (petitioner did not show a likelihood that respondents have sold forged and infringing art on this record).

8/22/2019  
DATE

CHECK ONE:

☒

CASE DISPOSED

☐

GRANTED

☒

DENIED

APPLICATION:

☐

SETTLE ORDER

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☐

NON-FINAL DISPOSITION

☐

GRANTED IN PART

☐

SUBMIT ORDER

☐

FIDUCIARY APPOINTMENT

☐

OTHER

☐

REFERENCE

653809/2019 BRANNAN, JAMES W. vs. MCKENZIE, MICHAEL  
Motion No. 001

Page 1 of 1